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Ravalli County Commissioners Office
215 S. 4th Street, Suite A
Hamilton, MT 59840

JUL 25 2007

Ravalli County Commissioners

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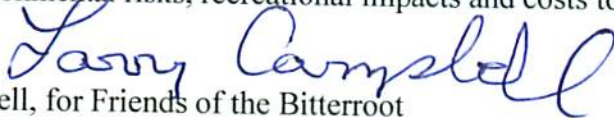
Friends of the Bitterroot
PO Box 442
Hamilton, MT 59840

Dear County Commissioners,

Friends of the Bitterroot is opposed to the mining of rock from the old Lost Horse quarry. Our reasons are summarized in the letter attached below, which is our scoping comments to the Forest Service. We believe the County has a direct interest in the safety of the roads and in a full public accounting of all the costs involved. Many associated expenses to county taxpayers are not disclosed to the public yet.

Please ask the road department to look elsewhere for gravel, where the human safety hazard, environmental risks, recreational impacts and costs to taxpayers is less.

Sincerely,
Larry Campbell, for Friends of the Bitterroot



Attachment: FOB scoping letter to Forest Service 7/20/07

Friends of the Bitterroot
PO Box 442
Hamilton, MT 59840

Ranger Chuck Oliver
Darby Ranger District
PO Box 388
Darby, MT 59829

July 20, 2007

Subject: Scoping comments on Proposed Lost Horse Quarry CE/DM (FS Notice Letter, dated 5/31/2007) and Ravalli County Road and Bridge Department Supervisor Dave Ohnstad's Lost Horse Mine Plan of Operations (dated April, 2007).

Use of Categorical Exclusion (CE) is not appropriate:

On the Bitterroot National Forest, a 1999 lawsuit, (The Ecology Center, American Wildlands, Friends of the Bitterroot; and Larry Campbell plaintiffs, v. USFS/ BNF), dealt specifically with the issue of using a CE when "extraordinary circumstances" are present. We plaintiffs argued that the presence of several of the five specific (but not exhaustive) criteria listed as "extraordinary circumstances" meant the BNF had to do at least an EA.

(Bull trout in Rye Creek, steep slopes and erosive soils). Judge Donald Malloy stated, "The Forest Service Handbook specifically states that categorical exclusions from EA or EIS documents may only occur if there is a finding of no "extraordinary circumstances." The judge went on to say, "When the combination of "categorical exclusion" and "extraordinary circumstance" are found within the same proposed action, the Seventh Circuit has held that the Forest Service is required to prepare an Environmental Assessment. Rhodes v Johnson 153 F 3d 785, 790 (7th Cir. 1998). Rejecting a similar Forest Service decision to rely on an internal review to determine if extraordinary circumstances could be mitigated so that no significant impacts would result, the Rhodes Court held that the Forest Service Handbook language "unambiguously shows that the plaintiff's demand for an environmental assessment is what the regulations require." Id.

The presence of Bull trout, an endangered species, in Lost Horse Creek (verified to FOB on 7/12/07 by Rob Brassfield) and steep slopes at the excavation site itself, which are specifically listed "extraordinary circumstances" as well as the exceptional recreational/visual values of the project area, all constitute "extraordinary circumstances". The official list is explicitly not exhaustive.

The bull trout in Lost Horse Creek would be subject to hauling road and crusher site dust and potentially subject to fuel spills from the excavation site. If mitigation is required to reach a finding of no significant impact then at least an EA needs to be done. An internal review that recognizes that significant impacts (road dust for example) could result if not for prescribed mitigation (dust abatement for example) represents only an internal review and is not legally sufficient. Maybe there would be 'no significant impact' declared at the end of analysis of potential impacts and proposed mitigation, but an EA (at least) is the proper level of analysis to make that decision. We believe an EIS should be done.

This proposal deserves to include a much more thorough impacts assessment and public disclosure, especially given the high level of public controversy. As of 7/20/07, the project file has fifty seven personalized letters sent in opposing mining of the Lost Horse quarry. An editorial in the local daily newspaper opposed mining the Lost Horse quarry

Aside from the issue of 'extraordinary circumstances' this project could have significant impacts on many public resources and interests and it is very controversial because so many public interests face harm from this project, and so a CE is not the appropriate level of environmental assessment and public disclosure.

Range of Alternatives:

The obvious question, given the many environmental/recreational/visual/economic costs and safety risks of mining the Lost Horse quarry, is: what is so special about that rock? Are there alternative sites for equally special rock that might present fewer costs and safety risks? We can not know the answer unless a reasonable range of alternatives is analyzed. A CE is not appropriate. An adequate environmental assessment needs to consider a reasonable range of alternatives in order to understand the trade-offs prior to a well made decision.

On June 26, 2007 the Ravalli Republic newspaper editorialized against mining the Lost Horse quarry and concluded, "County and forest officials should be working together, and it would seem that an alternative location could be found - somewhere that hasn't developed into one of the prime recreational areas in the Bitterroot that provides top-notch access into the national forest and Selway-Bitterroot Wilderness."

Cumulative impacts: any sufficient environmental assessment must analyze cumulative effects. A CE does not sufficiently account for cumulative impacts.

Connected actions that need to be analyzed:

Transportation: approximately x number of trucks would pass every place on the route each day; dust abatement/air quality (dust and Diesel fumes in winter at site and roadside, noise at the plant and roadside; hwy 93 intersection (traffic light?); fuel storage on site and potential for spills

Reasonably foreseeable actions that need to be analyzed:

blasting and its effects on bull trout in Lost Horse Creek; displacement of climbing and its impacts on peregrine to the west where additional peregrine territory impacts might occur; haul road reconstruction; mitigation of safety issue of line of sight restriction and collision with roadside trees leading to a 'hazard tree' timber sale, as was haphazardly done years ago to the Lost Horse road.

\$ Costs: The decision reasonably requires a cost accounting to the public which is not provided with the CE level analysis and disclosure.

*What are the costs to private enterprise if the FS provides publicly owned gravel/rock at discount prices that undersell the competitive priced private gravel/rock quarries?

*What are the costs of dust abatement and who pays for it? County rates for abatement material alone would be about \$10,750 per year (\$304 for 300' X 24') for a two mile stretch of 24' wide road, which is not wide enough for two wide trucks to pass.

*What will be the costs of necessary road upgrades for industrial level rock hauling?

*What will be the increased maintenance costs for grading the dirt road and plowing the road in winter? Who bears those costs?

*Will road construction of turn outs for trucks to pass each other be needed?

*Will a bond for reclamation be required? Who pays for that? If no bond is required, who pays for reclamation of accidents like mass failure or planned rock removal activities?

We believe the appropriate NEPA analysis for this project is an EIS. Whatever NEPA analysis is used we strongly believe the Decision document, if it permits leasing the quarry, must contain stipulations prohibiting the commonly seen creeping incremental expansion of small mines by use of staged, sequential small mine permits. And any Forest Service Decision should also explicitly prohibit blasting.

As part of our comments we attach and incorporate the comments on the Lost Horse quarry mine proposal provided by Lost Horse Canyon Coalition on July 18, 2007

Thank you for consideration of our comments.

Larry Campbell, for Friends of the Bitterroot